

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Snap Fitness, Inc.,

Case No. 24-cv-2803 (NEB/DTS)

Plaintiff,

REPORT AND RECOMMENDATION

v.

Scenic City Fitness, Inc. et al.,

Defendants.

Defendant Scenic City Fitness, Inc., is corporation that has been unrepresented since August 22, 2024. The law does not allow a corporation to proceed *pro se*, and an unrepresented corporation is technically in default for failure to defend. See *Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996). The Court warned Scenic City Fitness that it could be found in default if an attorney did not enter an appearance on its behalf. See Dkt. Nos. 36, 50. Despite these warnings and an order to show cause, Scenic City Fitness has neither secured counsel nor justified its failure to do so. Because Scenic City Fitness has failed to defend, the Court may direct the Clerk of Court to enter default judgment pursuant to Federal Rule of Civil Procedure 55(a). See *Tollefson v. Pladson*, 508 Fed. Appx. 593, 595 (8th Cir. 2013) (court may direct clerk to enter default under Rule 55(a)).

For the reasons set forth above, the Court RECOMMENDS that:

1. The Clerk of Court be directed to enter default judgment against Defendant Scenic City Fitness, Inc; and
2. Plaintiff Snap Fitness, Inc., be allowed to apply for default judgment.

Dated: October 11, 2024

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).